

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK A. SWIFT,

Defendant.

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8:14CR107

ORDER

On April 15, 2014, after granting defendant Mark A. Swift's (Swift) motion for a mental competency examination, the court ordered Swift committed to the custody of the Attorney General for a competency examination pursuant to 18 U.S.C. §§ 4241 (Filing No. 22).

The psychological evaluation was completed by the staff of the Federal Detention Center, Englewood, Colorado (FDC-Englewood). The evaluation was performed by Jessica Micono, Psy.D. (Dr. Micono), Forensic Psychologist, FDC-Englewood. The forensic evaluation report, dated June 25, 2014 (Filing No. 23 - Sealed), was provided to counsel for the government and the defendant. The defendant was returned to the District of Nebraska for hearing.

A competency hearing pursuant to 18 U.S.C. § 4247(d) was held on July 23, 2014. The defendant was present together with his counsel, Assistant Federal Public Defender Julie B. Hansen. The United States was represented by Assistant U.S. Attorney Michael P. Norris. The parties stipulated that the court receive and consider the report of Dr. Micono (Filing No. 23 - Sealed). Swift was afforded an opportunity to testify and to present evidence or witnesses on his behalf. Swift declined to present any evidence. No further evidence was presented by either side.

The FDC-Englewood forensic evaluation diagnosed Swift as follows: Adjustment Disorder with Mixed Anxiety and Depressed Mood with Rule Outs of : Posttraumatic Stress Disorder, Schizophrenia, Intellectual Disability-Mild, and Dependent Personality Disorder (Filing No. 23 - Sealed, page 19). The forensic evaluation was made after observation and interviews with Swift at FDC-Englewood after Swift's arrival at that facility. Dr. Micono

concluded Swift does not suffer from a mental disease or defect which would interfere with Swift's ability to understand the proceedings against him or assist counsel in Swift's defense. As such, Dr. Micono opined Swift was competent to stand trial.

Based upon a review of the forensic report submitted, and pursuant to 18 U.S.C. § 4241, I find the defendant, Mark A. Swift, is mentally competent to stand trial, understands the nature of the proceedings against him, and is able to assist in his own defense. This case shall now progress in the ordinary course of a criminal proceeding in this district.

IT IS SO ORDERED.

DATED this 23rd day of July, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge